HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.15538 of 1996

Dated: 12-12-2006

Between:

Yedla Rama Murthy and another.

… Petitioner/s

AND

The District Collector (Social Welfare),
Srikakulam and another.

… Respondents

HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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O R D E R :

The present writ petition has been instituted seeking a Writ of Mandamus to direct the respondents not to acquire the land of an extent of Ac.5-18 cents belonging to the petitioners, situated in Survey No.181/16 of Patrunivalasa village, Srikakulam Mandal, Srikakulam District, declaring the notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') and the declaration published under Section 6 of the Act, on 8-3-1996 as arbitrary, improper and contrary to law.

The public purpose for which these lands are sought to be compulsorily acquired is to provide house sites to the weaker sections. Through this compulsory acquisition, the State has proposed to acquire a large extent of land and issued a notification under Section 4(1) of the Act, followed by a declaration under Section 6 of the Act.

Learned counsel for the petitioners as well as the learned Government Pleader for Land Acquisition have brought to my notice that against the same set of notifications, another writ petition - W.P.No.10988 of 1996 came to be instituted in this Court and this Court, by its order dated 16-2-2006, had disposed of the said writ petition in the following terms:

"Admittedly possession of the lands of petitioner, proposed to

be acquired, is not taken over till today, though declaration under Section 6 of the Act was published in 1996. Respondents did not either seek vacation of stay passed in this case, nor did they file counter affidavit immediately showing any sign of urgency. So it is clear that there actually was no urgency to take over possession of the land of the petitioner. So I feel that this is a fit case to direct holding an enquiry under Section 5-A of the Act in respect of the land of petitioner.

Therefore, I dispose of this petition with a direction to the respondents to hold the enquiry under Section 5-A of the Act in respect of the lands of the petitioner, proposed to be acquired from him and take further steps. No costs."

Since this writ petition is also concerned with and forms part of the same exercise of compulsory acquisition, it is only appropriate that the enquiry under Section 5-A of the Act, as was directed to be conducted by this Court in W.P.No.10988 of 1996, is also conducted with reference to the present writ petitioners' lands. I, therefore, direct the respondents to conduct an enquiry under Section 5-A of the Act in respect of the lands belonging to the writ petitioners, which are covered by the notification issued under Section 4(1) of the Act and then decide the matter.

Accordingly, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO, J

12-12-2006
Msr.

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12-12-2006
(Msr)